

and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

(b) **LIMITATION ON APPLICATION OF PROPOSED RULE.**—Notwithstanding any other provision of law, the proposed rule specified in subsection (a)(1) may not take effect with respect to flights operated by or in support of the Department of Defense or in furtherance of national security until the date that is 90 days after the report required by subsection (a) is submitted.

**SA 1337.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 933. REPORT ON THE INCORPORATION OF EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation into Department of Defense networks or the networks of Department of Defense contractors of equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A comprehensive list of the networks of the Department of Defense into which equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations was incorporated.

(2) A comprehensive list of the networks of Department of Defense contractors into which such equipment was incorporated.

(3) An assessment of the vulnerabilities created by the incorporation of such equipment into such networks.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 1338.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 889. PROHIBITION ON USE OF FUNDS FOR CONTRACTS THAT INCORPORATE EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.**

None of the amounts authorized to be appropriated by this Act may be expended on a contract that results in the incorporation into Department of Defense networks of any equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

**SA 1339.** Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1243. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in subsection (a), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit”; and

(2) in subsection (b)—

(A) by redesignating paragraph (12) as paragraph (15); and

(B) by inserting after paragraph (11) the following new paragraphs:

“(12) Chinese military-to-military relationships with other countries, including—

“(A) the size and activity of military attaché offices around the world;

“(B) military education programs conducted in China for others countries or in other countries for the Chinese;

“(C) the size and scope of purchases of foreign military hardware and software by the Chinese and from the Chinese; and

“(D) Chinese foreign aid to and economic investment in other countries.

“(13) Activities by the Government of the People's Republic of China at or near United States military installations worldwide.

“(14) Activities by the Government of the People's Republic of China in key industries, including energy, rare earth minerals, biotechnology, and telecommunications, and the implications of those activities to the national security of the United States.

“(15) Joint ventures between firms in the People's Republic of China and contractors of the Department of Defense that involve the intellectual property of those contractors.”

**SA 1340.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 889. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) There are 1,680 policy documents and 91 laws affecting the Federal acquisition rules (FARs), with 30 new documents added in 2011.

(2) The Department of Defense has developed alternative procedures, working groups, and organizations, such as the Joint Improvised Explosive Device Defeat Organization (JIEDDO), that essentially bypass current Federal acquisition rules in order to rapidly field new weapons systems critically needed by our warfighters.

(3) In 2005, the Defense Acquisition Performance Assessment (DAPA) panel found that problems in the defense acquisition system were deeply embedded in many of its acquisition management processes.

(4) The General Services Administration (GSA), the National Aeronautics and Space Administration (NASA), the Department of Defense, and the Office of Management and Budget (OMB) met in February 2011 to develop “bold, new ways to improve the product quality and timeliness of the FAR process” and “called for a tune-up of the FARs”.

(5) Despite attempts by Congress and other Federal agencies, Federal acquisition rules remain complicated and outdated, leading to increased procurement times and costs.

(b) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(2) **ELEMENTS.**—The assessment required by this subsection shall include, but not limited to, the following:

(A) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(B) A consideration of the history, rationale and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(C) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(D) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(E) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(F) An assessment of the feasibility and advisability of establishing an independent commission to reform the Federal acquisition rules.

(G) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by this subsection.

**SA 1341.** Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, beginning on line 2, strike “**LIMITATION**” and all that follows through page 2, line 2, and insert the

following: “**SENSE OF CONGRESS ON IMPORTANCE OF ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.**”

It is the sense of Congress that—

(1) as mandated in the 2010 Quadrennial Defense Review, in order to mitigate the risk of a terrorist attack, accident, or natural disaster, the United States Navy will homeport an East Coast carrier in Mayport, Florida;

(2) numerous studies have affirmed what the Navy has maintained all along, that dispersing our capital ships is in our best national security interest;

(3) this decision has been supported by the past four Chiefs of Naval Operations, and both President George W. Bush and President Barack Obama;

(4) during this time of fiscal austerity, the case for strategic dispersal has been strengthened by the recent Government Accountability Office report that states that the total one-time cost of homeporting a nuclear-powered aircraft carrier at Naval Station Mayport is expected to be between \$258,700,000 and \$356,000,000, which is well below the Navy’s estimate of the one-time cost as \$537,600,000;

(5) the infrastructure improvements necessary to ready Mayport for a carrier move in 2019 are purposefully spread out over the next five years in order to mitigate the impact on the Navy’s budget in any given year; and

(6) dispersing the East Coast carrier fleet is a national security priority, and the infrastructure improvements necessary to achieve this goal are vital to the defense of our Nation.

**SA 1342.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “OPERATION AND MAINTENANCE” under the heading “CORP OF ENGINEERS—CIVIL” under the heading “CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY”, strike “such fees have been collected” and all that follows through the matter under the heading “REGULATORY PROGRAM” and insert the following: such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

#### REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining to regulation of navigable waters and wetlands: *Provided*, That \$64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That \$128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

At the appropriate place, add the following:

**SEC. \_\_\_\_.**

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established

under section 144 of title 23, United States Code, \$238,000,000, to remain available until expended, which shall be derived by transfer from amounts made available under the heading under the heading “TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM” under the heading “DEPARTMENT OF ENERGY, ENERGY PROGRAMS”, so that the total amount available under the heading “TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM” is \$0.

**SA 1343.** Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5 \_\_\_\_.** None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

#### PRIVILEGES OF THE FLOOR

Ms. AYOTTE. Mr. President, I ask unanimous consent that Dennis Deziel, a defense fellow in my office, be granted floor privileges during the consideration of S. 1867.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Joel Garrison, a defense legislative fellow in our office, be granted floor privileges for the consideration of these amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator CONRAD, Air Force MAJ Jason Jensen, be granted the privilege of the floor for the duration of debate on S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to allow CDR Mike Moore, my defense legislative fellow, floor privileges through final passage of S. 1867, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will say how much I have appreciated Commander Moore’s contributions to our effort to preserve and protect and defend this country, and he is going to be returning to the full naval service before too much longer. It has been a great asset to have him on board.

Mr. LEVIN. Mr. President, I ask unanimous consent that Christopher

White, a national security fellow in Senator WARNER’s office, be given floor privileges during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Connecticut, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:24 p.m., recessed subject to the call of the Chair and reassembled at 3:47 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

Mr. REID. Mr. President, I thought we were in a quorum call. I didn’t realize we were out of session subject to the call of the Chair, so I thank the Chair.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 28, 2011, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 270; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 270; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any related statements be printed in the RECORD; that the President of the United States be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 436, 445, 446, 447, 448, 449, 451, 452, 453, 454, 455, 457, 466, 467, 468, 469, 470, 471, and 498; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### SMALL BUSINESS ADMINISTRATION

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

## THE JUDICIARY

Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

## DEPARTMENT OF HOMELAND SECURITY

Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

## NATIONAL SCIENCE FOUNDATION

Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

Anneila I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

## NATIONAL CONSUMER COOPERATIVE BANK

Cyrus Amir-Mokri, of New York, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

## FEDERAL MARITIME COMMISSION

Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

## NATIONAL TRANSPORTATION SAFETY BOARD

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

## THE JUDICIARY

John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Nancy Maria Ware, of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

## DEPARTMENT OF JUSTICE

Michael A. Hughes, of the District of Columbia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

David Avren Jones, of Connecticut, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2014.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## REVISING THE FEDERAL CHARTER FOR THE BLUE STAR MOTHERS OF AMERICA, INC.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1541 and that we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1541) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 1541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—  
(A) by striking the text preceding subparagraph (A) and inserting “she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, step-mother, foster-mother, grandmother, or legal guardian) of a person who—”; and

(B) in subparagraph (B), by striking “in World War II or the Korean hostilities”; and  
(2) in paragraph (2), by inserting “or is a citizen of the United States living outside the United States” before the period at the end.

## HONORING THE LIFE AND LEGACY OF EVELYN H. LAUDER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 335.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 335) honoring the life and legacy of Evelyn H. Lauder.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in strong support of this resolution, submitted with my colleagues, Senator GILLIBRAND and Senator FEINSTEIN, which honors the life and legacy of Evelyn Lauder.

Fittingly extolled by The New York Times as a “Champion of Breast Cancer Research,” Evelyn will be long remembered by our Nation and indeed the world for her profound and lasting leadership in combating the dreaded scourge of breast cancer which Evelyn battled herself.

One of the great philanthropists of our time or any time, Evelyn undeniably had the Midas touch as a superb business leader and innovator during her more than 50 years at the Estee Lauder Companies, where she had been initially persuaded by her mother-in-law, Mrs. Estee Lauder, to join the family business.

And over the course of five decades, Evelyn became a driving impetus behind some of the company’s most monumental strides. Make no mistake, any one of her myriad industry milestones alone would have secured Evelyn’s name in the constellation of stars in cosmetics, but truly what set her apart time and again was the Midas heart she possessed that reached millions, especially breast cancer survivors.

Evelyn was a rare visionary who not only conceived tremendous endeavors, but also possessed the will, talent, and fortitude to bring them to fruition. When the venerable Memorial Sloan-Kettering Cancer Center lacked a breast and diagnostic center, Evelyn undertook a fundraising campaign to establish the Evelyn H. Lauder Breast Center which opened its doors in 1992 and underwent an expansion in 2009.

When also in 1992 Evelyn saw a gap in breast cancer awareness, she and Alexandra Penney, then editor of SELF magazine, developed the now iconic and legendary Pink Ribbon Campaign which has become the universal symbol for the battle against breast cancer.

When Evelyn recognized a lack of funding for breast cancer research, she founded the landmark Breast Cancer Research Foundation which under her aegis grew from providing research grant awards totaling \$159,000 to fund eight researchers in 1994 to remarkably awarding \$36.5 million to 186 researchers this year. And this renowned foundation has since become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer.

And so, Mr. President, you can imagine the honor I felt upon being named a Funding Hero by The Breast Cancer Research Foundation along with then-Senator Hillary Clinton in 2004. And it is only fitting that I have joined with then-Senator Clinton’s successor, Senator GILLIBRAND, in paying tribute to one of their legendary constituents from the Empire State.

Evelyn Lauder was proof positive of Andrew Jackson’s tenet that “one